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10/500,269	06/24/2004	Michael Maguire	555255012760	9824

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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,269	MAGUIRE ET AL.	
	Examiner	Art Unit	
	CHARLES SHEDRICK	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/08 has been entered.

Response to Arguments

Applicant's arguments filed 2/01/08 have been fully considered but they are not persuasive. Careful consideration has been given to the claimed limitations and the following remarks are noted in response to remarks dated 2/01/08.

Consider **claim 1**, indicates identifying a correspondent, independent of an address book, associated with a communication event.

Based on the above limitation from the claim language of independent claim 1, the claim explicitly indicates that the identification of a correspondent is made independent of an address book. Paragraph 0041 of Hull indicates that "Each message element includes at least the following fields: **a sender identifier** (e.g., the sender's name, a telephone number, an email address, etc.); a time stamp (i.e., the time the message was received); the message data (e.g., message text, digitized voice data); and a read status (i.e., whether the message has been read). **A sender identifier is typically included in a header of a received message**.

As noted above, Hull teaches that the correspondent can be identified, independent of an address book, associated with a communication event (e.g., receipt of a message). Accordingly, it is now understood that one can identify the correspondent independent of an address book since the sender's identity is gathered from the received communication. It is also noted that of course the communication must be received before the identification can be read from the message.

Claim 1 continues as follows, "automatically, retrieving, from a communications events database, a communications event history associated with the identified correspondent…."

It is respectfully noted that even paragraph 0027 would read on the above limitation where Hull states that in step 210, mobile electronic communication device 100 **enters a message mode**. In one embodiment, the message mode is a mode in which the user may send messages **or access messages (e.g. display a message via display 103 so that the user may read the message) that are stored in mobile electronic communication device 100**. In one embodiment, the user may input a command for mobile electronic communication device 100 to enter the message mode. In other embodiments, step 210 can be a default action that is **automatically performed after mobile electronic communication device 100 receives a message**. Step 210 need not be performed when mobile electronic communication device 100 is already in the message mode, or in embodiments in which mobile electronic communication device 100 has no modes other than message mode. Paragraph 0028 states that in step 211, mobile electronic communication device 100 can perform light functions to provide **an indication of the status of messages received from contacts stored in a contact list**.

The local contact list is used as a correlation tool to indicate that the identified sender which was identified from the header of the message is also in the local contact list for illuminating the keys

etc. It is noted that the sender can be identified from the header of the received message (i.e., independent of the address book) and then according to paragraph 0027 the mobile electronic communication device displays a message via display 103 that are stored in the mobile device so that the user may read the message automatically after the device receives the message.

Paragraph 0041 teaches that a datastore 314 for storing message information, according to one embodiment of the present invention. In this embodiment, datastore 314 is a list structure that includes message elements 315-1, 315-2, . . . , 315-N. Each message element includes at least the following fields: a sender identifier (e.g., the sender's name, a telephone number, an email address, etc.); a time stamp (i.e., the time the message was received); the message data (e.g., message text, digitized voice data); and a read status (i.e., whether the message has been read). A sender identifier is typically included in a header of a received message. In other embodiments, datastore 314 may have other fields. Other data structures suitable for storing the above message information can be used. In one embodiment, a similar datastore is used to keep all messages sent to each contact. In this embodiment, outgoing and incoming messages are combined to produce a message log for a selected contact.

The Fujino reference teaches in at least paragraph 0012 a display control means for performing a control so that one of the pieces of reception history information stored in the reception history memory is read out and displayed on a display device.

Regarding independent claim 15: Claim 15 essentially claims a transceiver, a communications event database, a communications event handler, and a display, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and

the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Therefore, the rejection is maintained as proper.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. (US PAT. No 20030034878) in view of FUJINO et al. (20010012347).

Regarding **claim 1**, Hull et al teach a method of processing a communication event in a mobile device (100, figure 1) having a display (103, 105, figure 1), the method comprising of identifying a correspondent (sender's identity) associated with the communication event (message, see page 4, paragraph (0041)), independent of address book (e.g., paragraphs 0023, 0026 and 0041), automatically retrieving (col. 2, paragraph (0046), lines 6-8) - allowing the user to access stored message from a communication event database, a communication event history associated with the identified correspondent (page 2, paragraphs (0026) & (0027))-where the user may send or access message, the communication event history (message log, 213, figure 2) including a plurality of prior communications events with the identified correspondent (page 2, paragraphs (0019) & (0023)), the prior communications events including a plurality of event types (page 2, paragraph (0023))., and automatically displaying (103, figure 1) the retrieved communications event history of the identified correspondent using the display (103, figure 1) of the mobile device (213, 214, figure 2, page 2, paragraphs (0023) & (0019)).

FUJINO et al teach displaying from a communication event database, a communication event history associated with identified correspondent (page 3, paragraph (0034) and at least paragraph 0012. also see response to arguments).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hull et al to include a plurality of prior communications events with the identified correspondent, the prior communications events for the purpose of giving the user the advantage to determine the context of the communication event (abstract).

Regarding claim 2, Hull et al as modified by Fujino disclose wherein the step of identifying where other related data may store in the processing unit (Page 2, paragraph (0026)).

But, Hull et al do not specifically disclose where the limitation is preceded by the step of determining a communication event type for the communication event.

However, FUJINO et al. teach the preceding by the step of determining a communication event type for the communication event referring to a signal where the segment to the mobile device determine where the next segment is signaled to the mobile device (page 2 & 3, paragraph (0034).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hull et al to determine how to identify the corresponding step without the communication event occurring for the purpose of handling a communication event in a mobile device.

Regarding claim 3, Hull as modified by Fujino disclose wherein the determined communication event type of the communications event is selected from a list including telephony based voice communication events (210, figure 2, page 3, paragraph (0028) & (0040)), e-mail communications events (page 2, paragraphs (0025) & (0040)), short messaging service communications event (page 2, paragraph (0025)) and wireless application protocol communications event (page 2, paragraph (0023)).

Regarding claim 4, Hull et al as modified by Fujino wherein the communications event is an incoming communications event (102, figure 1), and further including the step of receiving the incoming communications event (208, figure 2) prior to identifying the correspondent (page 2, paragraphs (0019) & (0026)).

Regarding claim 5, Hull et al. as modified by Fujino discloses wherein the plurality of event types include at least two of a telephony based voice communications event type (210 figure 2, page 3, paragraphs (0028) & (0040)), an e-mail communication event type (page 2, paragraphs (0025) & (0040)), a short messaging service communications event type (page 2, paragraph (0025)) and a wireless applications protocol communications event type (page 2, paragraph (0023)).

Regarding claim 6, Hull et al as modified by Fujino discloses further including the step of adding the incoming communications event to the communications event history in the communications event database (209 figure 2, page 2, paragraphs (0023) & (0026)).

Regarding claim 7, Hull et al as modified by Fujino discloses wherein the step of receiving an incoming communications event includes one of: receiving a telephony based phone call (page 3,
(0029)); receiving an incoming email message (page 2, paragraph (0025))., and receiving an incoming shod messaging service (SMS) message (page 2, paragraph
(0025)).

Regarding claim 8, Hull et al as modified by Fujino disclose wherein the step of identifying the correspondent includes one of: extracting a phone number from call display information (page 3, paragraph (0028), extracting an email address from the header of an email message (page 3, paragraph (0028)), and extracting an originating address from a SMS message (page 3, paragraph (0028)).

Regarding claim 9, Hull as modified by Fujino et al disclose wherein the step of identifying further includes cross referencing one of the extracted phone number, the extracted

email address, and the extracted originating address with entries in an address book accessible to the mobile device (418, figure 4, page 3, paragraph (0028)).

Regarding claim 10, Hull et al as modified by Fujino disclose further including a step of controlling the display to provide the user with communications event handling options (111, 127, figure 1, page 2 & 3, paragraph 0027)).

Regarding claim 11, Hull et al as modified by Fujino discloses wherein the step of controlling the display includes providing the user an option to either ignore or answer an incoming telephony based call (page 2 & 3, paragraph (0027).

Regarding claim 12, Hull et al. as modified by Fujino further including the step of updating the communications event database to reflect a status of the incoming call (page 4, paragraph (0040)).

Regarding claim 13, Hull et al as modified by Fujino discloses wherein the step of displaying communications event handling options includes displaying the option to either read or ignore one of the incoming email message and the incoming SMS message (page 5, paragraph (0055)).

Regarding claim 14, Hull et al as modified by Fujino discloses further including the step of updating the communications event database to reflect the status of one of the incoming email message and the incoming SMS message (page 5, paragraphs (0056) & (0057)).

Regarding claim 15, Hull et al as modified by Fujino discloses a mobile device, comprising: a transceiver for transmitting and receiving communications events (102, figure 1)., a communications event database for storing a plurality of communications event histories (110, figure 1), each of the plurality of communications event histories being associated with one of

the plurality of correspondents (21 1, figure 2), a communications event handler for identifying a correspondent in response to a communications event and for automatically retrieving the associated communications event history for the identified correspondent (page 2, paragraphs (0019 & (0026)) , independent of address book (e.g., paragraphs 0023 and 0026), and a display for displaying the communications event history of the identified correspondent (page 2, paragraph (0023)).

Regarding claim 16, Hull et al as modified by Fujino discloses wherein the communications event handler includes a communications event type identifier for identifying the type of the communications event from a list including telephony based voice communications events (page 3, paragraph (0028)), e-mail communications events (page 3, paragraph (0028)), shod messaging service communications event and wireless applications protocol communications event (page 2, paragraph (0025)).

Regarding claim 17, Hull et al as modified by Fujino discloses wherein the user interface is a display, and the communications event handler includes a display controller for controlling the display to display the retrieved communications event history (111, figure 1, page 2 & 3, paragraph 10023)).

Regarding claim 18, Hull et al as modified by Fujino discloses wherein the communications event handler includes a correspondent identifier for identifying the correspondent of an incoming communications event (page 2, paragraph (0026)).

Regarding claim 19, Hull et al as modified by Fujino discloses wherein the correspondent identifier is connected to the transceiver for receiving call display information (page 2, paragraph

(0027)), and includes means for identifying the correspondent of an incoming communications event based on the received call display information (pages 3 & 4, paragraph (0038)).

Regarding claim 20, Hull et al as modified by Fujino discloses wherein the correspondent identifier includes an address book interface for cross-referencing the received call display information with entries in an address book accessible to the mobile device to identify the correspondent (page 3, paragraph (0028), and pages 3 & 4, paragraph (0038)).

Regarding claim 21, Hull et al as modified by Fujino discloses wherein the correspondent identifier includes header parsing means for parsing the header of one of a received email message and a received SMS message to extract an originating address (page 3, paragraph (0035)), and includes means for identifying the correspondent of an incoming communications event based on the extracted originating address (page 3, paragraph (0028)).

Regarding claim 22, Hull et al as modified by Fujino discloses wherein the correspondent identifier includes an address book interface for cross referencing the extracted originating address with entries in an address book accessible to the mobile device to identify the correspondent (418, figure 4, page 3, paragraph (0028)).

Regarding claim 23, Hull as modified by Fujino discloses wherein the communications event handler includes a user interface controller for controlling the user interface to provide a user with communications event handling options (111, figure 1, pages 2 & 3, paragraph (0027)).

Regarding claim 24, Hull as modified by Fujino discloses wherein the communications event handler includes means for updating the communications event database to reflect the status of an incoming call (pages 2 & 3, paragraph (0027)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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March 1, 2008

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